

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**MARK BRYANT
et al.,**

Plaintiffs,

CIVIL ACTION NOS. 07-10447; 07-13214

vs.

DISTRICT JUDGE JOHN CORBETT O'MEARA

**FERRELLGAS, INC., et al.,
Defendants.**

MAGISTRATE JUDGE MONA K. MAJZOUN

**FRANKENMUTH MUTUAL
INS. CO., et al.,
Plaintiffs,**

vs.

**FERRELLGAS, INC., et al.,
Defendants.**

**OPINION AND ORDER DENYING PLAINTIFFS' MOTION FOR
RECONSIDERATION**

This matter comes before the Court on Plaintiffs' Motion for Reconsideration filed on March 6, 2008. (No. 07-10447; Docket no. 76). Plaintiffs filed a Motion for Protective Order and/or to Quash Non-Party Witness Subpoenas on February 21, 2008. (*Id.* docket no. 63). On February 29, 2008 Plaintiffs filed a Supplemental Brief. (*Id.* docket no. 71). The supplemental brief begins by stating that after filing the Motion for Protective Order Plaintiffs' counsel received from Defendants second supplemental interrogatories, requests for production and requests for admission directed to Plaintiffs. The supplemental brief goes on to argue why this discovery is improper. The Court struck Plaintiffs' supplemental brief on March 6, 2008. (*Id.* docket no. 73). Plaintiffs seek reconsideration of that Order.

The supplemental brief was not the proper vehicle for bringing this additional discovery to the Court's attention. If the discovery received after the filing of the Motion for Protective Order is discovery different from that to which the Motion is directed, Plaintiffs should file a motion specific to that discovery. If the discovery is the same as that to which the Motion is directed, there is no explanation for why it was not included with the Motion (or why the Motion was not filed prematurely if the discovery had not yet been served). It appears that Plaintiffs may have filed their Motion in response to Defendants' statement that the additional discovery would be served and then sought to "supplement" their Motion when the discovery was served. Plaintiffs' method of filing and briefing their Motion is improper, has caused needless confusion, and wasted time.

IT IS THEREFORE ORDERED that Plaintiffs' Motion for Reconsideration (No. 07-10447, docket no. 76; No. 07-13214, docket no. 41) is **DENIED**.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: March 13, 2008

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order was served upon Counsel of Record on this date.

Dated: March 13, 2008

s/ Lisa C. Bartlett
Courtroom Deputy